

ceedings for the acquisition of land are instituted before a Federal court prior to but not completed until after June 30, 1915, it will be a sufficient obligation of the appropriation to prevent it being returned to the Treasury.

The appropriation in question was made by the act of March 2, 1913 (37 Stat., 710), of \$350,000 for encampment and maneuvers, Organized Militia, "to be immediately available and remain available until the end of the fiscal year nineteen hundred and fifteen," and authorized the Secretary of War—

"to expend \$50,000, or so much thereof as may be necessary, for the acquisition, by purchase or condemnation, of the necessary land for a suitable range for Field Artillery target practice, * * *."

The appropriation authorizes the acquisition of land by condemnation proceedings. Where such proceedings are brought the time within which they may be completed can not be absolutely controlled, nevertheless they would be a charge upon the appropriation, and the only doubt whether the charge continues upon the appropriation after June 30 is because the amount of that charge is indefinite until the proceedings are completed.

I can see no reason, however, in the indefiniteness of the amount for which the appropriation is chargeable for holding that it has lapsed. It would place on a most precarious footing the possibility of payment for lands through condemnation proceedings, although the obligation to take the land is there.

I am of opinion that the condemnation proceedings if brought before June 30 are a charge upon the appropriation, so that there is to be returned to the Treasury only such amount of the appropriation as will remain, less the amount of this charge when it is determined.

CHARGES UPON APPROPRIATIONS.

An appropriation for the acquisition of land is obligated by the bringing of condemnation proceedings, even though the proceedings are not completed within the period for which the appropriation was made.

Comptroller Downey to the Secretary of the Treasury. June 17, 1915:

By your reference of June 16, 1915, I have the inquiry of the Secretary of War of June 14, 1915, whether if condemnation pro-